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TITLE 83: PUBLIC UTILITIES CHAPTER I: ILLINOIS COMMERCE COMMISSION SUBCHAPTER f: TELEPHONE COMPANIES

PART 731 WHOLESALE SERVICE QUALITY TELECOMMUNICATIONS CARRIERS

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AUTHORITY: Implementing Section 13-712(g) of the Public Utilities Act [220 ILCS 5/13-712(g)]

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SUBPART A: GENERAL

Section 731.100 Purpose and Application of Part

This Part governs carrier to carrier wholesale service quality standards and remedies in accordance with Section 13-712(g) of the Public Utilities Act (220 ILCS 5/13-712(g)), including, but not limited to, establishing guidelines for the development and submittal of Wholesale Service Quality Plans for Level 1 Carriers (as defined below), establishing wholesale service quality obligations for Level 2 Carriers (as defined below), and establishing the criteria pursuant to which certain carriers are or may be exempt from Subparts B, C, D, E and F of this rule. Unless otherwise indicated, the provisions of this Part are applicable to all providers of Wholesale Service to the extent that they are providing Wholesale Services.

Section 731.105 Definitions

“Act” or “PUA” means The Public Utilities Act (220 ILCS 5/1-101 et seq.).

“Adopt” or “adopted” shall mean, in addition to their customary and usual meaning, approve or approved.

“Billing” means the processes and systems used to prepare and provide bills to carriers for services ordered and rendered by the providing carrier. Also includes functions required to investigate and dispute bills by the carrier receiving the bill.

“Business Day” means Monday through Friday, inclusive, excluding weekends and holidays observed and published by the providing carrier.

“Carrier” means a telecommunication carrier as defined in Section 13-202 of the Act (220 ILCS 5/13-202).

“Carrier to carrier wholesale service quality” means the level of quality of telecommunications services, measured pursuant to the Standards and Measures adopted in this Part, that one telecommunications carrier sells or provides to another telecommunications carrier for the latter carrier’s use in providing a telecommunications service to end users.

“Change Management” means the series of processes and procedures negotiated between two or more parties which detail the guidelines by which operation support system (OSS) changes are requested and made and for which notice is provided to the users of the OSS.

~~“Collocation” means the manner in which a carrier can locate its network equipment within the central office of another carrier.~~

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“Commission” means the Illinois Commerce Commission.

~~“Customer Service Record” or “CSR” is all account information that a providing carrier stores about one of its customers.~~

“Firm Order ~~Commitment~~Confirmation” or “FOC” means the document or electronic record by which a Provisioning Carrier ~~commits to and~~ notifies a Requesting Carrier ~~of that the service order has been received and a due date has been assigned the date when the Wholesale Service ordered by the Requesting Carrier will be installed.~~

~~“High Frequency Portion of the Loop” or “HFPL” means the frequency range above the voiceband on a copper loop facility that is being used to carry analog circuit-switched voiceband transmissions. Access to the HFPL is commonly called line sharing or line splitting.~~

“Interconnection Trunks” means a network facility used to interconnect two switches of different carriers.

“Local Exchange Carrier” or “LEC” means a carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same MSA.

its equivalent) in a carrier’s central office and the loop demarcation point at an end

~~“Local Loop” means a transmission facility between a distribution frame (or user customer premises. Local Loop includes HFPL.~~

“Loss Notification” is communication given to a carrier that uses the providing carrier's facilities to offer service to its end user when the end user of the service decides to switch its service to the providing carrier or to another carrier. This notification is sent from the providing carrier to the losing carrier to notify them that they should cease billing the end user for the service that was switched.

“Maintenance and Repair” means the actions taken or functions used to create trouble reports, view status history, receive proactive status reports, and clear and close trouble reports.

“Measure” means the specific component or attribute of a Wholesale Service that is being measured to assess service quality. Measures are often based on the pre-ordering, ordering, provisioning, maintenance and repair, or billing functions used to deliver the service.

“Operational Support Systems” or “OSS” means the various systems, business processes and personnel used by a Carrier to conduct business with its customers. Typically OSS covers pre-ordering, ordering, provisioning, maintenance and repair and billing functions.

“Ordering” means the sequence of steps involved in placing an order with a carrier.

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“Preexisting Plan” means:

- a) A plan implemented by or for a Carrier prior to the effective date of this rule (but not necessarily effective on such date) that contains one or more of the components required for a Wholesale Service Quality Plan as set forth in Section 731.300 (“Pre-Rule Plan”), the terms and provisions of which have been specifically reviewed and approved by the Commission within the previous three (3) years in a docketed proceeding (the scope of which was limited to review and approval of a Pre-Rule Plan); or
- b) If the terms and conditions of a Pre-Rule Plan have not been specifically reviewed and approved by the Commission within the previous three (3) years in a docketed proceeding (the scope of which was limited to review and approval of a Pre-Rule Plan) for such Carrier, then the most recent Pre-Rule Plan implemented by such Carrier pursuant to a Commission order or, if no Pre-Rule Plan was implemented by such Carrier pursuant to a Commission order, the most recent Pre-Rule Plan implemented by such Carrier on a voluntary basis.

“Pre-ordering” means the exchange of specific information (usually an inquiry and response process) between two companies for the purpose of gathering the appropriate information before submitting a request or order.

“Pre-Rule Plan” shall have the meaning ascribed to such term in the definition of “Preexisting Plan”.

“Provision” means to supply telecommunications service to a user.

“Provisioning” means the functions used to manage and monitor an order during the period between the order placement and order completion. These functions should also allow the party placing the order to keep track of the status of order.

“Provisioning Carrier” means the carrier providing, committing, or offering to provide a Wholesale Service to another carrier.

“Reject Notice” means a method by which a carrier notifies a requesting carrier that a service request or order is rejected.

“Remedy” means a payment or credit from one carrier to another carrier or the State of Illinois for failure to provide Wholesale Services at the standard prescribed per Section 731.315 for Level 1 carriers and Section 731.610 for Level 2 carriers.

“Requesting Carrier” means the carrier requesting, ordering or receiving a Wholesale Service from another carrier.

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“Resold Local Services” means the sale, for purposes of resale, of a complete telecommunications path (i.e., switch, port, and loop) and associated support (e.g., 911, OS/DA) by a facilities based carrier to another carrier.

“Rural Exemption” means the exemption granted to rural telephone companies under Section 251(f) of the Telecommunications Act.

“Standard” means the rate or level at which a measure is to be provided.

“Telecommunications Act” means the Telecommunications Act of 1934 as Amended by the Telecommunications Act of 1996.

“Trouble Report” shall have the meaning ascribed to such term in Code Part 730 (83 Ill. Admin. Code Part 730).

“Unbundled Local Loop” means the physical connection from the end user’s premise to the carrier’s point of presence, excluding switching or ports, provided by one carrier to another carrier. [For purposes of this Code Part 730, Unbundled Local Loop is limited to loops used to provide “basic local exchange services” as defined in 220 ILCS 5/13-712\(b\).](#)

“Wholesale Out of Service” means a situation in which the Wholesale Service can not be used for its intended function. “Out of Service” does not include a situation in which the basic Wholesale Service is still operational but there are extra features that are not working (e.g., a line is not Out of Service if the call blocking feature is not working but the line has dial tone and can be used to receive and place calls).

“Wholesale Service” means any telecommunications service subject to the Commission’s jurisdiction that one carrier sells or provides to another carrier, as a component of, or for the provision of, telecommunications service to end users.

“Wholesale Service Emergency Situation” means a single event that causes an interruption of service or installations affecting Wholesale Service provided by a carrier. The emergency situation shall begin with the first carrier whose Wholesale Service is interrupted by the single event and shall end with the restoration or installation of the service of all affected carriers. The term “single event” shall include:

a declaration made by the applicable State or federal governmental agency that the area served by the local exchange carrier is either a State or federal disaster area; or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier, or the first 7 calendar days of a strike or other work stoppage; or

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a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term “Wholesale Service Emergency Situation” shall not include:

a single event caused by high temperature conditions alone; or

a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors or by the condition of facilities, equipment, or premises owned or operated by the local exchange carrier who is claiming that the interruption of service is due to an Emergency Situation; or

any service interruption that occurs during a single event listed above, but are not caused by those single events; or

a single event that the local exchange carrier who is claiming that the interruption of service is due to an Emergency Situation could have reasonably foreseen and taken precautions to prevent; provided, however, that in no event shall such carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

“Wholesale Service Quality Plan” or “Plan” means a plan filed or adopted pursuant to Subparts B, C, D and E of this Part.

“Wholesale Special Access” means a Wholesale Service utilizing a dedicated non-switched transmission path. A non-switched transmission path may include, but is not limited to, DS1, DS3 and Ocn facilities as well as links for SS7 signaling, database queries, and SONET ring access.

Section 731.110 Policies, Goals and Objectives

This Part is adopted for the purposes stated herein and should be interpreted in a manner consistent with the policies, goals and objectives stated herein. The Commission’s policies for establishing carrier to carrier wholesale service quality standards and remedies have been developed to ensure the following basic goals and objectives.

- a) To foster a competitive market consistent with the protection of end users.
- b) To encourage the maintenance of service quality on a consistent basis to satisfy the public interest.

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- c) To develop the competitive offering of telecommunications services that will increase innovation and efficiency, and which may also lead to reduced prices for consumers.
- d) To ensure reliable telecommunications service which the Commission determines to be essential to the health, safety and welfare of the citizens of the State of Illinois.
- e) To ensure reliable carrier to carrier wholesale telecommunications service which the Commission determines to be essential to obtaining and maintaining an open telecommunications market and to the provision of reliable telecommunications service by competitive carriers.
- f) To ensure that the economic benefits of competition in all telecommunications service markets are realized as effectively as possible.
- g) To ensure that wholesale services are delivered at a level of quality that provides the competitive carriers with a meaningful opportunity to compete in the market for customers.
- h) To define clearly the Commission's requirements, standards and processes with respect to carrier to carrier wholesale service quality and remedies.
- i) To adopt, as required by law, rules, regulations and remedies for assessing, and assuring, the quality of carrier to carrier wholesale service for carriers and services that are under the Commission's jurisdiction.
- j) To establish procedures and guidelines for adopting carrier to carrier Wholesale Service Quality Plans, including remedies, for Level 1 carriers (as defined below) that establishes minimum requirements for such plans while allowing the tailoring of individual plans that take into account the particular design and operation of each carrier's network and operation support systems.
- k) To establish minimum and uniform measures and standards to assess carrier to carrier wholesale service quality for Level 2 carriers (as defined below), remedies to ensure compliance with such standards, and other requirements to promote and ensure carrier to carrier wholesale service quality.
- l) To allow the Commission to effectively monitor carrier to carrier wholesale service quality, and to impose additional measures, standards and remedies where required to assure or maintain the quality of carrier to carrier wholesale services in the State of Illinois.

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Section 731.115 Classifications of Carriers

- a) Level 1 Carriers - For purposes of this rule, the following Carriers shall be Level 1 Carriers:
 - 1) LECs in the State of Illinois that provide Wholesale Service and have a Preexisting Plan; or
 - 2) LECs in the State of Illinois that have obligations pursuant to Section 251(c) of the Telecommunications Act, with equal to or greater than 400,000 subscriber access lines in service; or
 - 3) LEC's in the State of Illinois that provide Wholesale Service and are directed pursuant to a Commission order to comply with all of the requirements of Subparts B, C, D and E pursuant to Section 731.635.
- b) Level 2 Carriers — For purposes of this rule, the following carriers shall be Level 2 carriers:
 - 1) LECs in the State of Illinois that provide Wholesale Service and satisfy each of the following requirements:
 - A) Do not have a Preexisting Plan;
 - B) Do not have a Wholesale Service Quality Plan adopted by the Commission pursuant to Subpart E;
 - C) Have not been directed pursuant to a Commission order to comply with all of the requirements of Subparts D and E pursuant to Section 731.635; and
 - D) Do not have a currently effective Rural Exemption.
- c) Level 3 Carriers - For purposes of this rule, the following carriers shall be Level 3 carriers:
 - 1) LEC's in the State of Illinois with a Rural Exemption.

Section 731.120 Applicability of Subparts B, C, D and E

The provisions of Subparts B, C, D and E are applicable to all Level 1 Carriers.

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Section 731.130 Applicability of Subpart F

The provisions of Subpart F are applicable to all Level 2 Carriers.

Section 731.140 Application of Subpart G

The provisions of Subpart G are applicable to all Level 3 Carriers.

SUBPART B: PROCEDURE FOR LEVEL 1 CARRIERS

Section 731.200 Filing of Plans

- a) On April 1, 2003, and every two years thereafter, every Level 1 carrier shall file with the Commission for review and approval its Wholesale Service Quality Plan as specified in, and pursuant to, Subparts B, C, D and E of this Part.
- b) Any carrier designated by the Commission as a Level 1 carrier pursuant to Sections 731.110 and 731.635 shall file its Wholesale Service Quality Plan within ninety (90) days of its designation as a Level 1 carrier by the Commission, and, after one year from the filing of its initial Wholesale Service Quality Plan, shall file all subsequent Wholesale Service Quality Plans pursuant to paragraph (a) of this Section.
- c) To the extent the Commission determines that a Level 1 carrier's Wholesale Service Quality Plan should be investigated, modified, updated or in any way amended for any reason prior to the end of a biennial period, the Commission may initiate a proceeding to investigate, modify, update or amend the previously adopted Wholesale Service Quality Plan. Additionally, if a Level 1 carrier or another carrier seeks modification of a previously adopted Plan on an interim basis, they may file a petition originating a proceeding at any time.

Section 731.210 Review of Plans

For each Wholesale Service Quality Plan filed with the Commission for review and approval pursuant Section 731.200, unless otherwise ordered by the Administrative Law Judge or the Commission, the Commission shall initiate a proceeding and schedule a prehearing conference (see 83 Ill. Adm. Code 200.300) to occur no more than 21 days after the filing date specified in Section 731.200. The purpose of the proceeding shall be to determine the adequacy and appropriateness of each Plan with respect to the requirements of the Act and this Part, and to adopt a Wholesale Service Quality Plan for

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the filing carrier. The carrier filing the Plan shall be a party to the proceeding. Other parties may intervene, pursuant to the Commission's Rules of Practice. The proceeding will be scheduled, unless otherwise ordered by the Administrative Law Judge or the Commission, so that a Proposed Order is presented to the Commission by the Administrative Law Judge no later than 3 months after the date of the carrier's filing as specified in Section 731.200. The Commission will adopt a carrier's Plan if it complies with the requirements of Subparts B, C, D and E of this rule. If no party objects to the Level 1 carrier's filed Wholesale Service Quality Plan and all active parties agree to proceed without a hearing, the Commission may adopt that Plan without hearing if it satisfies the requirements of Subparts B, C and D and E.

Section 731.220 Filing of Testimony

Each carrier subject to this Subpart shall, on the date specified in Section 731.200 for the filing of a Wholesale Service Quality Plan, file all testimony in support of its Plan with the Commission. At a minimum, this testimony shall address and/or include the following:

- a) The carrier's wholesale service quality record over the last two years, including a summary of performance and of any remedy payments or credits paid, given and/or assessed over that time period.
- b) All changes to the carrier's Wholesale Service Quality Plan most recently adopted by the Commission or, if such carrier does not have a previously adopted Wholesale Services Quality Plan but does have a Preexisting Plan, all changes to the carrier's Preexisting Plan, and the basis for all such changes relied upon by the carrier.
- c) The extent to which the carrier's Wholesale Service Quality Plan has successfully facilitated a competitive telecommunications market.
- d) Compliance of the carrier's Wholesale Service Quality Plan with the requirements of Subpart C of this Part.
- e) Compliance of the carrier's Wholesale Service Quality Plan with the criteria for review described in Subpart D of this Part.
- f) A listing of proposed changes to the carrier's existing Wholesale Service Quality Plan.
- g) Probable impact of proposed changes to the carrier's existing Wholesale Service Quality Plan.
- h) Any support for the impact of proposed changes.

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Section 731.230 Effective Plan Pending Review and Adoption By the Commission

- a) For a carrier with a Preexisting Plan, its Preexisting Plan shall be its effective Wholesale Service Quality Plan from the effective date of this rule through the entry of an order adopting a Wholesale Service Quality Plan under Section 731.500 following that carrier's initial filing under Section 731.200. The provisions of this Section shall apply notwithstanding any provision, term or condition of the Preexisting Plan, or any related Commission order, providing for the termination or expiration of such plan due to or based on the passage of time.
- b) For a carrier with a Wholesale Service Quality Plan adopted by an order of the Commission pursuant to Section 731.500, the Wholesale Service Quality Plan so adopted by the Commission shall be that carrier's effective Wholesale Service Quality Plan until the entry of a subsequent order by the Commission under Section 731.500.
- c) For a carrier designated by the Commission as a Level 1 carrier pursuant to Sections 731.110 and 731.635, that carrier shall not have an effective plan pending the entry of an order adopting a Wholesale Service Quality Plan under Section 731.500 unless the Commission ordered or established an Interim Wholesale Service Quality Plan. If the Commission ordered an Interim Wholesale Service Quality Plan under Section 731.635, the Interim Wholesale Service Quality Plan shall be that carrier's effective Wholesale Service Quality Plan pending the entry of an order adopting a Wholesale Service Quality Plan under Section 731.500 following that carrier's initial filing under Section 731.200.

SUBPART C: PLAN REQUIREMENTS FOR LEVEL 1 CARRIERS

Section 731.300 General Plan Requirements

Each Wholesale Service Quality Plan shall include, at a minimum, the following components.

- a) A comprehensive set of wholesale measures and standards covering all necessary parts of a carrier's interaction with their wholesale customers. These measures and standards should include, but not be limited to, the following activities; pre-ordering, ordering; provisioning, maintenance and repair, billing and change management. See section 731.305
- b) Fully defined business rules on a per measure basis that are sufficient to describe what is being reported by the measure. Business rules shall include an applicable title, detailed definition, any exclusions, applicable

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standards or benchmarks, levels of disaggregation, and the specific calculation methodology used by the carrier. See Section 731.310.

- c) Self-executing remedy provisions deemed sufficient to modify a Level 1 carrier's actions in the event of noncompliance with the standards contained therein. See Section 731.315.
- d) Established benchmarks and standards on a per measure basis to provide a clear indication of the minimum performance level the carrier intends to provide. See Section 731.310.
- e) Reporting policies and procedures so that all parties understand exactly when and how the Level 1 carrier will report data. See Section 731.320. These policies and procedures should also cover data and remedy restatements in addition to the regular monthly reporting of carrier performance.
- f) A review process scheduled at regular intervals by which parties may propose changes to the Wholesale Service Quality Plans as changes occur in the industry..
- g) Audits scheduled at regular intervals to ensure that the data reported by the carrier is valid, reliable and adheres to the published business rules. See Section 731.325. The carrier must retain the original source data necessary for regular audits to be conducted for a time period of three years. Regular audits should validate both the measure data being reported as well as the remedy calculations.

Section 731.305 Services Covered

The services to be covered for a Level 1 carrier shall include, but not be limited to, those Wholesale Services covered in such carrier's most recently adopted Wholesale Service Quality Plan or, if such carrier does not have a previously adopted Wholesale Services Quality Plan but does have a Preexisting Plan, those Wholesale Services covered in such carrier's Preexisting Plan. The services to be covered for a Level 1 carrier may include wholesale special access services. The Commission may, for good cause shown, (i) include Wholesale Services not yet provided by the carrier (including but not limited to emerging services) or (ii) exclude specific Wholesale Services in adopting each carrier's Wholesale Service Quality Plan.

Section 731.310 Measures and Standards

Each Wholesale Service Quality Plan shall include measures and standards consistent with the requirements of Section 731.300(a). The specific measures and standards

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included in each Wholesale Service Quality Plan shall be as determined by the Commission. No measures or standards may be added, modified, or deleted from a Wholesale Service Quality Plan adopted by the Commission pursuant to Subpart E without the review and approval of the Commission.

Section 731.315 Remedies

Each Wholesale Service Quality Plan shall include self executing remedy provisions consistent with the requirements of Section 731.300(c). The specific remedy provisions included in each Wholesale Service Quality Plan shall be determined by the Commission in accordance with this Part. The Remedy provisions included in the Plan filed by a Level 1 carrier shall be consistent with the remedy provisions included in the Plan most recently adopted by the Commission or, if such carrier does not have a previously adopted Wholesale Services Quality Plan but does have a Preexisting Plan, the Remedy provisions included in such carrier's Preexisting Plan. No changes may be made to the Remedy provisions included in any Plan adopted by the Commission without the review and approval of the Commission.

Section 731.320 Reporting

Each carrier's Wholesale Service Quality Plan shall provide that the Level 1 carrier will report monthly data to carriers purchasing Wholesale Services. At a minimum, the monthly data shall include the total number of transactions on a per measure basis, the number of instances in which standards contained in the Level 1 carrier's Wholesale Service Quality Plan were not met on a per measure basis, and calculations supporting any remedies paid to carriers purchasing Wholesale Services from the Level 1 carrier.

Each carrier's Wholesale Service Quality Plan shall indicate the process it will follow each month for reporting including the date performance data and remedy amounts will be made available. The reporting process shall also include the timelines and procedures the carrier will follow when making data and or remedy restatements.

Section 731.325 Auditing

Each Wholesale Service Quality Plan adopted by the Illinois Commerce Commission shall comply with the requirements of Section 731.300(g), provide for periodic audits of the wholesale performance data by an independent auditing firm, include the frequency and scope of the required audits, and indicate responsibility for payment of audits. Audits should be provided for both the measures being reported as well as for any remedy payments. Level 1 carriers must follow the auditing requirements set forth in their respective Wholesale Service Quality Plans. Their Plans should provide for both Commission initiated audits as well as audits initiated by Requesting Carriers.

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Level 1 carriers shall retain all records required to support wholesale performance relative to this rule for at least three (3) years. Audits are necessary to ensure that data reported by the carriers is valid, reliable and adhere to the carrier's filed Plan.

SUBPART D: PROVISIONS APPLICABLE TO ALL LEVEL 1 CARRIERS

Section 731.400 Treatment and Effect of Wholesale Service Emergency Situations

The standards contained in any Plan will not be considered to be violated for the period of delay if such delay is due to a Wholesale Service Emergency Situation. Notwithstanding anything to the contrary in this Part, in those situations where a standard cannot be satisfied at all as a result of a Wholesale Service Emergency Situation, the failure to satisfy such standard shall not be deemed to be a violation of the applicable standard set forth in such Plan.

Section 731.410 Additional Reporting Requirements

- a) A Wholesale Service Quality Plan adopted pursuant to Subpart E shall be posted to both the Commission's web site and the Level 1 carrier's web site no more than thirty (30) days after entry of the Commission's order adopting such Plan.
- b) Performance relative to a Level 1 carrier's Wholesale Service Quality Plan shall be posted to the Level 1 carrier's web site and made available to the Commission and other carriers on a monthly basis. Level 1 carriers shall also make available to the Commission both aggregate and individual carrier performance data, and shall make available to other carriers access to the aggregate data and their own performance data.
- c) Additionally, the following information shall be reported monthly to the Commission by Level 1 carriers:
 - 1) The total dollar amount of wholesale service quality remedy payments and credits paid, given and/or assessed.
 - 2) The five highest dollar credit and payment amounts assessed and/or paid on a per measure basis.
 - 3) Any credit and payment amounts paid under protest by carrier's purchasing service from the Level 1 carrier.
 - 4) Any changes to previously reported metrics data or remedy payments or credits made by the company during the past month

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and a detailed explanation for why the changes to previously reported metrics data or remedy payments or credits occurred.

Section 731.420 Tariff Requirements

[DISCUSS AT WORKSHOP WHETHER THIS RULE SHOULD REQUIRE THAT THE PLAN BE FILED OR TREATED AS A TARIFF.]

Section 731.430 Effect of Interconnection Agreements

[DISCUSS AT WORKSHOP WHETHER THIS RULE SHOULD INCLUDE PROVISION INDICATING THAT THE PROVISIONS OF ANY APPROVED PLAN SHALL CONTROL UNLESS AND UNTIL THE CARRIERS HAVE AN INTERCONNECTION AGREEMENT OR AMENDMENT TO AN INTERCONNECTION AGREEMENT DATED AFTER THE EFFECTIVE DATE OF THIS RULE SPECIFICALLY PROVIDING OTHERWISE.]

SUBPART E: COMMISSION REVIEW AND ADOPTION OF PLANS FOR LEVEL 1 CARRIERS

Section 731.500 Commission Review and Adoption of Wholesale Service Quality Plans

- a) Adoption. Following hearings on each Plan or petition filed, or proceeding commenced, pursuant to Section 731.200, the Commission shall adopt a Wholesale Service Quality Plan for each carrier. The Plans adopted by the Commission may be those Plans as filed by the Level 1 carriers or as modified by the Commission.
- b) Basis for Adoption. In adopting a Wholesale Service Quality Plan for each carrier, the Commission shall address and consider each of the following:
 - 1) Whether the Plan contains clearly articulated, pre-determined measures and standards, which encompass a comprehensive range of carrier-to-carrier performance.
 - 2) Whether each measure has a clearly articulated definition, or “business rule,” which sets forth the manner in which the data is to be collected by the carrier, lists any relevant exclusions, and states the applicable performance standards.

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- 3) Whether the Plan contains an effective mechanism that is designed to detect and sanction poor performance when it occurs on both an individual measure and aggregate basis.
- 4) Whether the Plan contains potential liability that provides a meaningful and significant incentive to comply with the designated performance standards.
- 5) Whether liability under the Plan's enforcement mechanism would actually accrue at meaningful and significant levels when performance standards are missed.
- 6) Whether the Plan contains a self-executing mechanism that does not leave the door open to litigation and appeal.
- 7) Whether the Plan contains reasonable assurances that the reported data is accurate and that the reported data is able to be audited.

SUBPART F: OBLIGATIONS OF LEVEL 2 CARRIERS

Section 731.600 Services Covered and Exemption from Reporting Requirements

- a) Services Covered. Unless otherwise indicated in this Subpart, the provisions of Subpart F are applicable to a Level 2 carrier to the extent the Level 2 carrier provides or offers the applicable service. Level 2 carriers shall be subject to wholesale service quality standards as provided below for the following services, to the extent the carrier offers or provides the service:

- 1) Unbundled Local Loops;
- 2) Interconnection Trunks;
- 3) Resold Local Services;
- ~~4) Collocation;~~
- ~~5) Loss Notification; and~~
- ~~6) 4) Customer Service Record~~

b) A Requesting Carrier may petition the Commission to establish wholesale service quality standards and remedies for Wholesale Services not included in the preceding Section "a)" for a specific Level 2 Provisioning Carrier if the Requesting Carrier has experienced provisioning or repair delays with a specific Level 2 Provisioning Carrier for other Wholesale Services. The Requesting Carrier's petition will contain a verified statement identifying the provisioning or repair delays it has encountered for other Wholesale Services not identified in Section "a)". For each petition filed with the Commission pursuant this Section, unless otherwise ordered by the Administrative Law Judge or the Commission.

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the Commission shall initiate a proceeding and schedule a prehearing conference (see 83 Ill. Adm. Code 200.300) to occur no more than 21 days after the filing date. The purpose of the proceeding shall be to review the specified Level 2 Provisioning Carrier's service performance with respect to other identified Wholesale Services and the appropriateness of establishing wholesale service quality standards for those standards, and, if appropriate to adopt a wholesale service quality standards for the Provisioning Carrier identified in the petition. The Requesting Carrier filing and the Provisioning Carrier identified in the Petition shall be parties to the proceeding. Other parties may intervene, pursuant to the Commission's Rules of Practice. The proceeding will be scheduled, unless otherwise ordered by the Administrative Law Judge or the Commission, so that a Proposed Order is presented to the Commission by the Administrative Law Judge no later than 3 months after the date of the Requesting Carrier's petition.

- b) Exemption from Remedies and Reporting Requirements. Level 2 carriers ~~may receive an exemption~~are exempt from remedies contained in Section 731.610 and the reporting requirements of Section 731.620, on a service by service basis, if the volume of such Wholesale Sservices on an aggregate basis for all Wholesale Customers for any ~~consecutive 6 month~~quarter period is not equal to or greater than the threshold levels indicated below ~~for at least 2 out of the 6 months~~.

- 1) Unbundled Local Loops, (threshold, 40—100 orders per month~~quarter~~);
- 2) Interconnection Trunks, (threshold, 5—25 orders per month~~quarter~~); and
- 3) Resold Local Services, (threshold, 40—100 orders per month~~quarter~~).

;and

4) Collocation, _____ (threshold, 2 per quarter)

5) Loss Notification _____ (threshold, [TO BE DISCUSSED])

6) 4) Customer Service Record (threshold, [TO BE DISCUSSED])

- e) Requirements for Exemption – Self Certification. To qualify for and receive the service by service reporting requirement exemption under paragraph b) of this Section, within thirty (30) days after the end of the quarter, the carrier shall file with the Chief Clerk of the Commission a report for any the preceding quarter ~~consecutive 6 month period~~, submitted under oath and verified by an individual responsible for the carrier's provision of Wholesale Services, establishing that the volume of such services on an aggregate basis has been less than the threshold level for the applicable service for the previous quarter ~~at least 5 out of the 6 months for services with monthly threshold levels, or 1 out of the 2 quarters for services with quarterly threshold levels. Upon such filing the exemption shall begin with the first month following the 6 month period used to qualify for the~~

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~~exemption, and shall expire on the last day of the sixth month following the 6 month period used to qualify for the exemption, unless a new report establishing the carrier's entitlement to the exemption for the next 6 month period is filed within 28 days of the expiration of the exemption.~~

- ~~d)c)~~ **Revocation of Exemption.** A carrier's exemption under this Section may be terminated at any time if the Commission finds that the carrier was not entitled to such exemption (i.e., information contained in report used to qualify for exemption was not accurate). If a carrier learns that information contained in a report filed under paragraph c) of this Section was inaccurate, it shall file a corrected report within 7 days of obtaining such corrected information.

Section 731.605 Measures and Standards

- a) Firm Order ~~Commitments~~ Confirmations - Level 2 Carrier shall provide FOCs or reject notices for Wholesale Services within the following timeframes, as measured from the time of receipt of an accurate and complete service request to the return of a FOC or reject notice:
- 1) Unbundled Local Loops - 90% within 24 hours by the end of the next business day
 - 2) Interconnection Trunks - 90% within 10 business days
 - 3) Resold Local Services - within 24 hours 90% by the end of the next business day
 - 4) Collocation ~~within 10 business days~~
- The start time for requests received after the end of the business day will be the beginning of the next business day.
 - ~~□ There are two types of reject notices that may be issued by a carrier: syntax, which occur if required fields are not included in a service request; and content, which occur if invalid data is provided in a field.~~
 - A rejected service request must be corrected and resubmitted before provisioning can begin.
- b) Provisioning - Level 2 Carriers shall provision wholesale services within the following timeframes , as measured from the time of receipt of a complete and accurate service request to completion of the requested service:
- 1) Unbundled Local Loops - 90% within 5 business days
 - 2) Interconnection Trunks - 90% within 30 business days
 - 3) Resold Local Services - 90% within 5 business days
 - 4) Collocation ~~within 90 business days~~

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- The required due date is the later of: (1) the last day of the interval set forth above; or the provisioning date requested by the wholesale customer.
 - The provisioning intervals, above, will not apply if the Level 2 Carrier demonstrates that the request(s) is not technically feasible and/or that the requested facilities are not available.
 - The provisioning intervals, above, will not apply w~~When a loop must be conditioned to remove bridge taps and load coils, in order to provide a digitally capable loop or HFPL, the providing carrier must provide the conditioned (digitally capable) loop or HFPL within 8 days of receipt of an accurate and complete service request, rather than within 5 days as set forth above. However, provisioning intervals do not apply to digitally capable loops and HFPL when conditioning of the loop to meet the request would result in a significant degradation of the voiceband service that the Level 2 carrier is providing over that same loop.~~
- c) Maintenance and Repair - Level 2 Carriers shall clear Wholesale Out of Service trouble reports within the following intervals, as measured from the time of receipt of an accurate and complete trouble report to the time the trouble report is cleared:
- 1) Unbundled Local Loops - 95% within 24 hours
 - 2) Interconnection Trunks - 95% within 8 hours
 - 3) Resold Local Services - 95% within 24 hours
 - 4) Collocation ~~within 8 hours~~
- Seventy-five (75%) of All non-Out Of Service (i.e., "service affecting") trouble reports must be cleared by the end of the next business day after receipt of non-Out Of Service trouble report.
 - For a trouble report to be considered complete, the wholesale customer must provide the carrier: 1) the end-user customer's telephone number, 2) the carrier's circuit identification number; 3) a detailed description of the trouble conditions and other trouble prescreening information.
- d) The measures in sections a), b) and c) above shall be evaluated based on the total wholesale activity for the Level 2 Carrier during the calendar quarter.
- ~~d) Loss Notifications - Level 2 carriers shall provide Loss Notifications within the following timeframes [TO BE DISCUSSED AT WORKSHOP].~~
- ~~e) Customer Service Record - Level 2 carriers shall provide CSRs within the following timeframes [TO BE DISCUSSED AT WORKSHOP].~~

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~~f)e)~~ The standards set forth in this Subpart will not be considered to be violated for the period of delay if such delay is due to the following:

- 1) as a result of a negligent or willful act on the part of the wholesale customer or the end-user retail customer;
- 2) as result of a malfunction of equipment owned or operated by the wholesale customer or the end-user retail customer;
- 3) as a result of, or is extended by, an emergency situation;
- 4) as a result of the wholesale customer missing an appointment, provided that the violation is not further extended by the carrier;
- 5) as a result of a wholesale customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;
- 6) as a result of a carrier's right to refuse service to a wholesale customer as provided in an interconnection agreement, tariff or under applicable federal or state law; or
- 7) as a result of a lack of facilities where a wholesale customer requests service at a geographically remote location, a wholesale customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the wholesale customer's request for service, subject to carrier's obligation for reasonable facilities planning and the wholesale customer's obligation for forecasting.

Notwithstanding anything to the contrary in this Subpart, in those situations where a standard cannot be satisfied at all as a result of the occurrence of any of the causes identified in clauses 1) through 7) above, the failure to satisfy such standard shall not be deemed to be a violation of the applicable standard set forth in this Subpart.

Section 731.610 Remedies

- a) If a Level 2 Carrier fails to comply with Section 731.605 of this Part and is not entitled to an exemption for a Wholesale Service under Section 731.600(b) of this Part, it shall provide credits to the purchasing Carrier in the following amounts:
 - 1) For Firm Order Commitment—Confirmation and Reject Notice Failures, Level 2 Carriers provide credits as follows:
 - A) Unbundled Local Loops - \$ 10 per loop order, per business day
 - B) Interconnection Trunks - \$50 per trunk order, per business day
 - C) Resold Local Services - \$ 10 per service order, per business day

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- D) ~~Collocation—\$50 per day over standard, per business day~~
- 2) For Provisioning Failures - Level 2 Carriers shall provide credits as follows:
- A) Unbundled Local Loops — 50% of nonrecurring installation charge after 5 business days; 100% of nonrecurring installation charge after 10 business days; and \$ 1010% of monthly recurring charge per loop, per business day after 10 business days
- B) Interconnection Trunks - 50% of the nonrecurring installation charge after 30 business days; 100% of the nonrecurring installation charge after 60 business days; and 10% of monthly recurring charge per trunk, per day after 60 business days \$ 100 per trunk, per business day
- ~~C)~~ Resold Local Services - 50% of nonrecurring installation charge after 5 business days; 100% of nonrecurring installation charge after 10 business days; and 10% of monthly recurring charge per loop, per business day after 10 business days \$ 10 per service, per business day
- C) ~~Collocation—\$ 200 per day over standard, per business day~~
- 3) For Maintenance and Repair Failures - Level 2 Carriers shall provide credits as follows:
- A) Unbundled Local Loops - 10% of monthly recurring charge if OSS between 24 hours and 48 hours; 33% of monthly recurring charge if OSS between 48 hours and 72 hours; 66% of monthly recurring charge if OSS between 72 and 96 hours; 100% of monthly recurring charge if OSS between 96 hours and 120 hours; \$ 10 per loop, per day after 120 hours.
- B) Interconnection Trunks - 10% of monthly recurring charge if OSS between 8 hours and 24 hours; 33% of monthly recurring charge if OSS between 24 hours and 48 hours; 66% of monthly recurring charge if OSS between 48 and 72 hours; 100% of monthly recurring charge if OSS between 72 hours and 96 hours; \$ 50 per trunk, per day after 96 hours.
- ~~B)C)~~ \$50 per trunk, per day
- D) Resold Local Services - 10% of monthly recurring charge if OSS between 24 hours and 48 hours; 33% of monthly recurring charge if OSS between 48 hours and 72 hours; 66% of monthly recurring charge if OSS between 72 and 96 hours; 100% of monthly recurring charge if OSS between 96 hours and 120 hours; \$ 10 per resold local service, per day after 120 hours.
- ~~C)E)~~ \$20 per service, per day

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~~D) Collocation—\$ 20 per hour over standard, per day~~

~~4) For Loss Notification Failures—Level 2 Carriers shall provide credits as follows: [TO BE DISCUSSED AT WORKSHOP].~~

~~5)4) For Customer Service Record Failures—Level 2 Carriers shall provide credits as follows: [TO BE DISCUSSED AT WORKSHOP].~~

~~b) In order to assure that the remedy amounts contained in paragraph a) of this Section remain sufficient appropriate over time to provide incentives for carriers to maintain adequate service leveltime, the Commission may decrease or escalate, on an annual basis, the remedy amounts in an amount equal to the percentage change in the GDP Implicit Price Deflatoramounts. Commencing with December of 2004, the Commission may announce in December of each year the rate of inflation and the resultant adjustments in the remedy amounts, if any, for the next calendar year.~~

~~e)b) If an individual carrier is consistently failing to meet applicable standards and if the Commission determines that the remedy amounts contained within this section do not provide sufficient incentives for such carrier to improve its performance, then the ICC may impose additional remedy payments or credits with respect to such carrier.~~

Section 731.615 Review and Waiver

a) All Level 2 carriers must participate in a biennial review of Subpart F: Obligations Of Level 2 Carriers, in which any proposed changes to Subpart F must be submitted to the Commission for review and approval. To the extent the Commission finds Subpart F should be revisited for any reason prior to the end of a biennial period, the Commission may initiate a proceeding to update or amend the previously approved Subpart F. Additionally, if any carrier seeks modification to the approved Subpart F on an interim basis, they may file a petition originating a proceeding at any time.

b) A Level 2 carrier may seek a waiver of any of the requirements contained in Subpart F: Obligations of Level 2 Carriers. The Commission, on application of a Level 2 Carrier or on its own motion, may grant a temporary or permanent waiver from this Part, or any subsections contained in this Part, in individual cases where the Commission finds that the provision from which the waiver is granted is not statutorily mandated; and the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

Section 731.620 Reporting

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- a) Each Level 2 Carrier shall report monthly results on a quarterly basis to the Illinois Commerce Commission. The information reported shall include:
 - 1) The total dollar amount of wholesale service quality credits on a per measure basis.
 - 2) Any credit amounts under protest by carriers purchasing service from the Level 2 carrier.
 - 3) Level of performance on an aggregate basis by measure.
 - 4) ~~Top 3 carriers receiving wholesale service quality credits from the Level 2 carrier.~~
- b) Each Level 2 Carrier shall also report monthly data to carriers purchasing wholesale services. At a minimum, the monthly data shall include the number of reportable transactions, the number of instances in which standards contained in Section 731.605, and calculations supporting remedies paid as a result of Section 731.610.
- c) Each carrier shall provide a business rule document for each measure they report on a biennial basis. These business rule documents shall be sufficient to describe what is being reported by the measure. The business rules shall include an applicable title, detailed definition, any exclusions, levels of disaggregations and the specific calculation methodology used by the carrier.

Section 731.625 Auditing

Carriers purchasing wholesale services from a Level 2 carrier may request an independent audit of the reported results. To the extent the independent audit confirms the specific concern of the carrier purchasing wholesale services from a Level 2 carrier, as specifically identified in writing to the Level 2 carrier prior to requesting the audit, the Level 2 carrier shall be responsible for the cost of the independent auditor associated with the specific concern identified in writing prior to the audit. If the independent auditor does not confirm the concern of the carrier purchasing wholesale services from a Level 2 carrier, the carrier purchasing wholesale services will be responsible for the cost of the independent audit. Any dispute over payment of audit costs will be resolved by the Illinois Commerce Commission. Audits of a Level 2 carrier's records shall be limited to no more than 2 per calendar year, unless otherwise authorized by the Illinois Commerce Commission.

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Unless otherwise authorized by the Commission, a Level 2 carrier shall make all records required by this rule available to the Commission or its authorized representatives at any time upon request. A carrier shall make customer proprietary network information available to the Commission to the extent allowed by law. A carrier shall retain all records required by this rule for at least three (3) years.

Section 731.630 Effect of Interconnection Agreement

If a Level 2 carrier is providing Wholesale Service to another carrier pursuant to an interconnection agreement and those carriers have negotiated the interconnection agreement or an amendment to the interconnection agreement after the effective date of this Part which expressly references this Section, then the standards and requirements contained in this Subpart shall not apply if, and to the extent, so provided in the interconnection agreement or amendment. In the event that such carrier also provides wholesale service to another carrier and such carriers have not negotiated an interconnection agreement or an amendment to an interconnection agreement after the effective date of this Part which expressly references this Section, , then the standards and measures in this Subpart shall apply.

Section 731.635 Application of Level 1 Requirements to Level 2 Carriers and Conversion to Level 1

- a) A carrier may be required to comply with some or all of the Level 1 requirements established in Subparts B, C, D and E of this Part only after the Commission considers and rules upon the following items:
 - 1) The technical feasibility of compliance with each Subparts B, C, D and E requirement;
 - 2) The economic feasibility of compliance with each Subparts B, C, D and E requirement;
 - 3) The expected volume of wholesale service activity covered under Subparts B, C, D and E;
 - 4) Whether the benefits accrued to competing carriers justify the costs incurred by carrier necessary to comply each Subpart B, C, D and E requirement, and;
 - 5) With which Subpart B, C, D and E requirements that carrier must comply and by what time period.
- b) A carrier directed pursuant to a Commission order to comply with all of the requirements of Subparts B, C, D and E shall be a Level 1 carrier from

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and after the date of the Commission's order. A carrier directed pursuant to a Commission order to comply with some of the requirements of Subparts B, C, D and E shall remain a Level 2 carrier, but must comply with such Level 1 requirements as directed by the Commission from and after the date of the Commission's order.

- c) In any proceeding to determine whether a carrier should be required to comply with some or all of the Level 1 requirements established in Subparts B, C, D and E of this Part, the Commission may order or establish an Interim Wholesale Service Quality Plan to be effective (i) pending the entry of an order adopting a Wholesale Service Quality Plan under Section 731.500 or (ii) as otherwise ordered by the Commission.

SUBPART G: PROVISIONS APPLICABLE TO LEVEL 3 CARRIERS

Section 731.700 Exemption From Certain Subparts

Subparts B, C, D, E and F of this Part shall not apply to LECs with a Rural Exemption pursuant to Section 251(f) of the Telecommunications Act.

Section 731.705 Conversion to Level 2

~~A carrier whose Rural Exemption is terminated by a Commission order pursuant to Section 251(f) of the Telecommunications Act will become a Level 2 carrier and shall comply with all of the Level 2 requirements established in Subpart F of this Part from and after the date of the Commission's order.~~

A carrier whose Rural Exemption is terminated by a Commission order pursuant to Section 251(f) of the Telecommunications Act may be required to comply with some or all of the Level 2 requirements established in Subpart F of this Part only after the Commission considers and rule upon the following items:

- a) The technical feasibility of compliance with each Subpart F requirement;
- b) The economic feasibility of compliance with each Subpart F requirement;
- c) The expected demand for wholesale services covered under Subpart F;
- d) Whether the benefits accrued to competing carriers justify the costs incurred by carrier necessary to comply each Subpart F requirement;
- e) With which Subpart F requirements that carrier must comply and by what time period; and

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- d) Whether carrier needs to comply with Subpart F if carrier enters into an agreement with a competing carrier whereby the competing carrier agrees to accept different wholesale service quality standards than those contained in Subpart F.